

House Bill 1084

By: Representatives Weldon of the 3rd, Willard of the 51st, and Strickland of the 111th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 31-2-8 of the Official Code of Georgia Annotated, relating to the
2 actions against certain applicants or licensees by the Department of Community Health, so
3 as to provide that an infraction of a condition under medicare or Medicaid shall not constitute
4 negligence per se; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 31-2-8 of the Official Code of Georgia Annotated, relating to the actions
9 against certain applicants or licensees by the Department of Community Health, is amended
10 by adding a new paragraph to subsection (d) to read as follows:

11 "(5) No federal or state condition to participate in, or to be eligible to receive payments
12 under, the medicare or Medicaid programs shall be used to establish a standard of care,
13 and an infraction of any such condition shall not constitute negligence per se; provided,
14 however, that nothing in this paragraph shall abrogate any express cause of action
15 authorized under Article 5 of Chapter 8 of this title."

16 **SECTION 2.**

17 All laws and parts of laws in conflict with this Act are repealed.